

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

RONNIE JEROME JACKSON, III,

Case No. 18-CV-2889 (MJD/SER)

Plaintiff,

v.

REPORT AND RECOMMENDATION

MONICA ARONS, DIANE DAU, JOHN
DOE 1, CHERI MAYER, DR. QUIRAM,
and TINA SNEED,

Defendants.

In an order dated October 16, 2018, this Court ordered Plaintiff Ronnie Jerome Jackson, III, to pay an initial partial filing fee of \$8.66 (pursuant to the provisions of 28 U.S.C. § 1915(b)). *See* Order, ECF No. 5. Jackson was given until November 5, 2018, to make the payment, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

To date, Jackson has not paid the initial partial filing fee. Jackson filed a letter asking this Court to excuse the initial partial filing fee; attached is a trust-account statement purporting to show that Jackson is “fully indigent.” Letter from Ronnie Jerome Jackson, III, to Court (Nov. 5, 2018), ECF No. 6. But this statement does not contradict the prison-official certificate submitted alongside Jackson’s original application to proceed in forma pauperis, and it was that certificate that underpinned the Court’s demand that Jackson pay an initial partial filing fee. *See* Appl. to Proceed in Dist. Ct. Without Prepaying Fees or Costs, ECF No. 2 (certificate of authorized prison official). Indeed, as the Court understands the newly submitted trust-account statement, it shows that Jackson has paid

hundreds of dollars toward various debts and obligations. The Court sees no reason to excuse Jackson from paying the initial partial filing fee.

Accordingly, this Court recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: December 12, 2018

s/ Steven E. Rau

Steven E. Rau
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local

Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).